

REMARKS

Claims 1-7 and 9-12 are pending in this application. By this Amendment, claim 12 is added. Reconsideration of the Application based on the above amendments and the following Remarks is respectfully requested.

Applicants appreciate the courtesies shown to Applicants' representative by Examiner Knable in the March 31, 2004 telephone interview. Applicants' separate record of the substance of the interview is incorporated in the following Remarks.

Applicants confirm that the election of Group I, claims 1-4 was made, with traverse. Thus, claims 5-7 and 9-11 were provisionally withdrawn from consideration.

It is respectfully submitted that new claim 12 is a linking claim that links the subject matter of claims 1 and 5. Thus, Applicants respectfully submit that claim 12 is not restrictable from claims 1-4 and 5-7. Also, claim 12 is broad enough to encompass the subject matter of, and the features recited in, independent claims 1 and 5. Thus, all of claims 1-7 and 12 should be examined with the elected Group.

It is also respectfully submitted that the subject matter of all claims 1-12 is sufficiently related that a thorough search for the subject matter of any one Group of claims would encompass a search for the subject matter of the remaining claims. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is stated that "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added). It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

Favorable consideration of the foregoing and withdrawal of the Restriction Requirement are respectfully requested.

The Office Action rejects claim 3 under 35 U.S.C. §112, second paragraph, as indefinite. Applicants respectfully submit that there is no ambiguity to the feature recited in claim 3 in that "wherein two or more kinds of unvulcanized rubber strips are wound one after another, to form a tire constitutive member" refers to the "at least one kind of tire constitutive member" recited in claim 1 upon which claim 3 depends. Applicants respectfully submit that "a tire constitutive member" cannot be reasonably construed as referring to more than one tire constitutive member. The specification, in paragraph [0009], recites that "it is also possible to spirally wind two more kinds of unvulcanized rubber strips in succession to form a tire constitutive member." Additionally, the specification, in paragraph in [0043], recites that "the entire bead filler 19 may be made of one kind of rubber, or it may be made of two kinds of rubbers different..." Applicants respectfully submit that these references in the specification make it clear that the use of unvulcanized rubber strips made from different kinds of rubber to form a single tire constitutive member is clearly specified. Reconsideration and withdrawal of the rejection to claim 3 under 35 U.S.C. §112, second paragraph, are respectfully requested.

Claims 1-4 are rejected under 35 U.S.C. §102(b) as being anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over, U.S. Patent No. 4,983,239 to Holroyd et al. (hereinafter "Holroyd"). The rejections are respectfully traversed.

Holroyd discloses "a method of manufacture of a vehicle tire in which an annular mold is filled with uncured elastomeric compound" to form various components of the vehicle tire (Abstract). The specific methods disclosed in Holroyd include "a method for making an uncured annular tire component in which an extrudate strip is placed into an annular mold by winding the strip thereon" (emphasis added). The use of an annular

mold is an integral step in each of the methods disclosed in Holroyd. Applicants respectfully submit that Holroyd neither discloses, nor suggests, "winding and joining an unvulcanized rubber strip onto an outer peripheral surface of the expanded carcass band" as recited, among other features, in claim 1.

Examiner Knable, in the telephone interview, argued that the feature of claim 1 recited above could be read as separate steps in the disclosed method. Applicants respectfully submit that winding and joining an unvulcanized rubber strip onto an outer peripheral surface of the expanded band carcass cannot reasonably be read to include a multi-stage process as disclosed in Holroyd. Specifically, Holroyd discloses winding multiple groups of unvulcanized rubber strips into an annular mold to form multiple tire constitutive members (Figs. 1 and 2), and subsequently joining those finished members to the toroidally shaped carcass band in a mold (Fig. 4). These discrete winding and joining steps, including a mold, are distinguishable from the single winding and joining step of claim 1.

It is further respectfully submitted that each of the dependent claims 2-4 includes all of the features recited in claim 1. It is, therefore, respectfully submitted that claims 1-4 are neither disclosed in, nor suggested by, Holroyd. Reconsideration and withdrawal of the rejection to claims 1-4 under 35 U.S.C. §§102(b) and 103(a) as anticipated by, or obvious over, Holroyd are respectfully requested.

Claims 1-4 are rejected under 35 U.S.C. §102(b) as being anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over, U.S. Patent No. 4,279,683 to Landsness. The rejections are respectfully traversed.

Landsness discloses "A machine for winding a flat ribbon onto a tire carcass" (col. 4, lines 4-5) and "[a]n apparatus for applying a flexible rubber-like strip onto a green tire" (col. 4, lines 39-40). Landsness neither discloses nor suggests any method for forming the tire carcass or green tire. Claim 1 recites, among other features, "radially outwardly expanding a

widthwise portion of a substantially cylindrical carcass band...." Applicants respectfully submit that this feature of claim 1 is neither disclosed in, nor suggested by, Landsness.

The Office Action states that "even if it were not considered to be an explicit disclosure that the carcass is shaped from cylindrical form, such would have certainly been the natural and obvious technique to form the toroidal carcass in light of the reference to typical two stage building." In the telephone interview, Examiner Knable asserted that such technique was known in the art. Applicants respectfully submit that no applied references can be combined with Landsness to suggest, or show motivation for, the specific combination of features recited in independent claim 1.

It is, further, respectfully submitted that each of the dependent claims 2-4 includes all of the features recited in claim 1. It is, therefore, respectfully submitted that claims 1-4 are neither disclosed in, nor suggested by, Landsness. Reconsideration and withdrawal of the rejection to claims 1-4 under 35 U.S.C. §§102(b) and 103(a) as anticipated by, or obvious over, Landsness are respectfully requested.

Claims 1-4 are rejected under 35 U.S.C. §102(b) as being anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over, German Patent No. DE 19831 747 A1 to Continental. The rejections are respectfully traversed.

Continental discloses a process "[t]o make tires in two stages with intermediate vulcanization. Tire carcass and partial belt pack are applied and vulcanized to a predetermined cross section with reinforcements, in a mold" (Abstract). Although, in the Abstract, Continental discloses "[t]he tire has at least partly-expanded curvature," Applicants respectfully submit that Continental neither discloses, nor suggests, "radially outwardly expanding a widthwise center portion of a substantially cylindrical carcass band" as recited, among other features, in claim 1.

Further, Applicants respectfully submit that the two stage process, with intermediate vulcanization, and the use of a mold to accomplish the joining process of the tire carcass and the partial belt pack, as disclosed in Continental, neither anticipates, nor suggests, the combination of features recited in claim 1. In the telephone interview, Examiner Knable asserted like arguments to those provided above regarding "inherent or in any event obvious" processes. Applicants respectfully submit that Continental does not anticipate, and no prior art is applied which can be combined with Continental in order to suggest, the combination of features recited in independent claim 1.

It is respectfully submitted that each of the dependent claims 2-4 include all of the features recited in claim 1. It is, therefore, respectfully submitted that claims 1-4 are neither disclosed in, nor suggested by, Continental. Reconsideration and withdrawal of the rejection to claims 1-4 under 35 U.S.C. §§102(b) and 103(a) as anticipated by, or obvious over, Continental are respectfully requested.

Claims 1 and 4 are rejected under 35 U.S.C. §102(b) as being anticipated by Japanese Patent No. JP 10-109506 to Sumitomo Rubber. This rejection is respectfully traversed.

Sumitomo Rubber discloses a "manufacturing process of the tire using the staple-fiber orientation rubber sheet" that includes "turn[ing] up the winding section of a carcass 6, and form[ing] the direct cylinder-like 1st plastic solid 16" (Block 0044 and Fig. 3A). The Sumitomo Rubber process, however, does not disclose "radially outwardly expanding a widthwise center portion of a substantially cylindrical carcass band" (emphasis added) as recited, among other features, in claim 1.

Further, the Office Action in rejecting claims 1 and 4 under 35 U.S.C. §102(b) states that the features disclosed in Sumitomo Rubber "clearly suggest a method as defined in claim 1" (emphasis added). Applicants respectfully submit, with reference to MPEP 2131, that the standard for anticipation is met "only if each and every element as set forth in the claim is

found, either expressly or inherently described in a single prior art reference." Further, "[t]he identical invention must be shown in as complete detail as is contained in the ... claim."

Applicants respectfully submit that for a rejection under 35 U.S.C. §102(b), it is not enough that the reference merely "clearly suggest a method as defined" in the claim.

Applicants respectfully submit that Sumitomo Rubber does not anticipate the invention as recited in claim 1. It is respectfully submitted that dependent claim 4 includes all of the features recited in claim 1.

It is, therefore, respectfully submitted that claims 1 and 4 are not anticipated by Sumitomo Rubber. Reconsideration and withdrawal of the rejection to claims 1 and 4 under 35 U.S.C. §102(b) are respectfully requested.

Applicants respectfully submit that because the form of each of the rejections lacks clear guidance as to which features are specifically rejectable over the applied references in order that Applicants are provided guidance to properly reply, that the next Action in this matter, should it not be a Notice of Allowance, cannot be made final.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-12 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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